

REMARKS

Claim Rejections – 35 USC § 103

Claims 362-366, 368, 369, 374, 375, 377-382, 405, 406, 408-410, 418-423 and 425 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,371,988 to Pafford et al. (hereafter “the ‘988 patent”).

Double Patenting

Various claims have been rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-40 of U.S. Patent No. 6,409,765 in view of U.S. Patent No. 6,033,438. The Applicant has submitted a Terminal Disclaimer herewith to address the double patenting rejection, and withdrawal of the same is respectfully requested.

Claim Amendments

The Applicant has canceled independent claims 362 and 405 and dependent claim 363 from the subject application without prejudice for possible submission in a continuing application.

Claims 367, 370, 372, 373, 383, 407, 414 and 424 have been rewritten in independent form. The Applicant notes that none of these rewritten independent claims stand rejected under 35 U.S.C. §103(a) or any other grounds of rejection other than the nonstatutory obviousness-type double patenting rejection which, as indicated above, has been obviated via the filing of a Terminal Disclaimer. Accordingly, the Applicant submits that rewritten independent claims 367, 370, 372, 373, 383, 407, 414 and 424 are in condition for allowance. The Applicant further notes that independent claim 385 and dependent claims 386-404 have not been rejected under 35 U.S.C. §103(a) or any other grounds of rejection other than the nonstatutory obviousness-type double patenting which, as indicated above, has been obviated via the filing of a Terminal Disclaimer.

Dependent claims 364-366 have been amended to depend from rewritten independent claim 367, dependent claims 368, 377, 380-382 and 384 have been amended to depend from rewritten independent claim 383, dependent claims 371 has been amended to depend from rewritten independent claim 370, dependent claims 408, 418, 421-423 and 425 have been

amended to depend from rewritten independent claim 424, dependent claims 410 and 411 have been amended to depend from rewritten independent claim 414, and dependent claims 406, 412 and 413 been amended to depend from rewritten independent claim 407.

The Applicant submits that rewriting claims 367, 370, 372, 373, 383, 407, 414 and 424 in independent form and changing the dependency of claims to depend from various ones of the rewritten independent claims does not raise any new issues with regard to patentability.

Since each of the rejections set forth in the final Office Action have been addressed, the Applicant submits that the subject application is now in condition for allowance including pending claims 364-404 and 406-425.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that Applicant's application is now in condition for allowance with pending claims 364-404 and 406-425.

Reconsideration of the subject application is respectfully requested. Timely action towards a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the subject application.

Respectfully submitted,



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Date: March 12, 2009
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